

JUDGE DANIELS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

James J. Mauro

19 CV 04372

Write the full name of each plaintiff.

CV
(Include case number if one has been assigned)

-against-

New York City Department of Education; Marie

Do you want a jury trial?

☒ Yes ☐ No

Guillaume, Principal of High School for Energy and

Technology

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

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SDNY PRO SE OFFICE
2019 MAY 14 PM 1:49

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

James	J	Mauro
First Name	Middle Initial	Last Name
90 Kennington Street		
Street Address		
Richmond, Staten Island	NY	10308
County, City	State	Zip Code
718-356-8149	jmauro28@yahoo.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	New York City Department of Education		
	Name		
	52 Chambers Street		
	Address where defendant may be served		
	New York, New York	NY	10007
	County, City	State	Zip Code
Defendant 2:	Marie Guillaume, Principal of High School for Energy and Technology		
	Name		
	2474 Crotona Avenue		
	Address where defendant may be served		
	Bronx, Bronx	NY	10458
	County, City	State	Zip Code

Defendant 3:

 Name

 Address where defendant may be served

 County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:
 High School for Energy and Technology

 Name

90 Kennington Street

 Address

Bronx, Bronx

NY

10458

 County, City

State

Zip Code

III. CAUSE OF ACTION**A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☒ race: White
- ☐ color: _____
- ☐ religion: _____
- ☐ sex: _____
- ☐ national origin: _____

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: _____

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: _____

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☒ other (specify): Discontinued from probationary service.

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

Please see attached.

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

- ☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 7/5/2018

- ☐ No

Have you received a Notice of Right to Sue from the EEOC?

- ☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? 4/16/2019

When did you receive the Notice? 4/25/2019

- ☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

- ☐ direct the defendant to hire me
- ☐ direct the defendant to re-employ me
- ☐ direct the defendant to promote me
- ☐ direct the defendant to reasonably accommodate my religion
- ☐ direct the defendant to reasonably accommodate my disability
- ☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

Removal of the Discontinuance from my file and emotional damages.

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>5/14/19</u>		<u>James J. Mauro</u>	
Dated		Plaintiff's Signature	
<u>James</u>	<u>J</u>	<u>Mauro</u>	
First Name	Middle Initial	Last Name	
<u>90 Kennington Street</u>			
Street Address			
<u>Richmond, Staten Island</u>	<u>NY</u>	<u>10308</u>	
County, City	State	Zip Code	
<u>718-356-8149</u>	<u>jmauro28@yahoo.com</u>		
Telephone Number	Email Address (if available)		

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



**United States District Court
Southern District of New York**

Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.² Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.³

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

³ The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

9. Description of alleged discrimination:

1. I worked as a social studies teacher for the NYCDOE from August 2016 to August 2017 at the High School for Energy and Technology in the Bronx, New York.
2. In July 2017, I was informed that I was going to be discontinued from probationary service in the New York City Department of Education (NYCDOE); or, in other words, fired as a teacher at the High School for Energy and Technology located in Bronx, New York.
3. I believe I am the victim of race discrimination resulting in the probationary termination by my school administration.
4. I believe I have been discriminated against because I am a white person from Staten Island who was offered and accepted a position at a Bronx high school with demographics of 70% Hispanic and roughly 30% African-American.
5. In fact, at my March 16, 2018, appeal hearing regarding my termination, the majority of the 3-member panel recommended I be restored to service as they did not find the reasons stated for my discontinuance by the principal as legitimate. Nonetheless, the NYCDOE rejected my appeal.
6. At the appeal hearing, the principal stated I was not a “good fit” for the school. That is a clear implication that she did not want me at the school because I was not a minority and believed I could not properly teach minority students in the Bronx.
7. The principal is of African American/Haitian descent, as is the Assistant Principal and Social Studies teacher Greg Gibson, the other person she alluded to in her statement.
8. Other similarly situated probationary teachers, including Pirmukhamedova Zebo were not terminated but rather allowed to transfer to another school.
9. I was fired solely because this wasn’t a good fit which is code for racial discrimination.

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **James J. Mauro**
90 Kennington Street
Staten Island, NY 10308

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2018-05106

Holly M. Shabazz,
State & Local Program Manager

(212) 336-3643

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

Charging Party wishes to pursue matter in a Federal District Court.

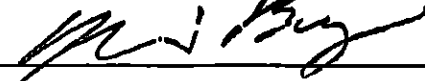
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Kevin J. Berry,
District Director

April 16, 2019

(Date Mailed)

Enclosures(s)

cc:

CITY OF NEW YORK, DEPARTMENT OF EDU
Attn: Julia De Persia, Agency Attorney
Office of Legal Services
52 Chambers Street, Rm 308
New York, NY 10007

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

JAMES J. MAURO,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10197051

Federal Charge No. 16GB805106

I, James J. Mauro, residing at 90 Kennington Street, Staten Island, NY, 10308, charge the above named respondent, whose address is Office of Legal Services 52 Chambers Street, Rm 308, New York, NY, 10007 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color.

Date most recent or continuing discrimination took place is 3/16/2018.

The allegations are:

1. I am White. Because of this, I have been subject to unlawful discriminatory actions.

Please see attached complaint form

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of race/color, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

R.P.

**New York State Division of Human Rights
Employment Complaint Form**

RECEIVED

JUL 05 2018

1. Your contact information:		
First Name <u>James</u>	Middle Initial/Name <u>J</u>	
Last Name <u>Mauvo</u>		
Street Address/ PO Box <u>90 Kennington St</u>		Apt or Floor #:
City <u>Staten Island</u>	State <u>NY</u>	Zip Code <u>10308</u>
2. Regulated Areas: You believe you were discriminated against in the area of: <input checked="" type="checkbox"/> Employment (including paid internship) <input type="checkbox"/> Labor Organization <input type="checkbox"/> Apprentice Training <input type="checkbox"/> Employment Agencies <input type="checkbox"/> Internship (unpaid only) <input checked="" type="checkbox"/> Licensing <input type="checkbox"/> Volunteer Firefighting (excludes disability, age, domestic violence victim status, arrest, conviction, genetic history)		
3. You are filing a complaint against:		
Employer Name <u>New York City Department of Education - High School for Energy and Technology</u>		
Street Address/ PO Box <u>2474 Crotona Ave</u>		
City <u>Bronx</u>	State <u>NY</u>	Zip Code <u>10458</u>
Telephone Number: <u>(718) 733-3080</u> Ext. _____		
In what county or borough did the violation take place? <u>Bronx</u>		
Individual people who discriminated against you:		
Name: <u>Marie Guillaume</u>	Title: <u>Principal</u>	
Name: _____	Title: _____	
If you need more space, please list them on a separate piece of paper.		
4. Date of alleged discrimination (must be within one year of filing):		
The most recent act of discrimination happened on: <u>3</u> <u>16</u> <u>2018</u> <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>		
5. For employment and internships, how many employees does this company have?		
<input type="checkbox"/> 1-3 <input type="checkbox"/> 4-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know		
6. Are you currently working for this company?		
<input type="checkbox"/> Yes. Date of hire: _____	What is your position?	
<div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>		
<input checked="" type="checkbox"/> No. Last day of work: <u>6</u> <u>28</u> <u>17</u>	What was your position?	
<div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	<u>teacher</u>	
<input type="checkbox"/> I was never hired.	What position did you apply for?	
Date of application: _____		
<div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>		

7. Basis of alleged discrimination:

Check **ONLY** the boxes that you believe were the reasons for discrimination. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

<input type="checkbox"/> Age: Date of Birth: _____	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves
<input type="checkbox"/> Arrest Record (resolved in your favor or youthful offender record or sealed conviction record)	<input type="checkbox"/> National Origin: Please specify: _____
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Predisposing Genetic Characteristic: Please specify: _____
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Disability: Please specify: _____	<input checked="" type="checkbox"/> Race/Color or Ethnicity: Please specify: <u>White</u>
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input type="checkbox"/> Familial Status: Please specify: _____	<input type="checkbox"/> Sex: Please specify: _____
<input type="checkbox"/> Marital Status: Please specify: _____	Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Gender Identity <input type="checkbox"/> Transgender Status <input type="checkbox"/> Sexual Harassment

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

☐ **Retaliation:** How you did you oppose discrimination: _____

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input type="checkbox"/> Refused to hire me	<input type="checkbox"/> Denied me an accommodation for my disability or pregnancy-related condition	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Harassed/ intimidated me (other than sexual harassment)
<input checked="" type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Denied me overtime benefits	<input type="checkbox"/> Sexually harassed or intimidated me	<input type="checkbox"/> Did not call back after lay-off
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Denied me services/treated differently by employment agency
<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Unlawful inquiry, or limitation, specification or discrimination in job advertisement
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Denied a license by a licensing agency	<input type="checkbox"/> Other:

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

See attached.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

9. Description of alleged discrimination:

In July 2017, I was informed that I was going to be discontinued from probationary service in the New York City Department of Education (NYCDOE); or, in other words, fired as a teacher in one such school. The name of the school was High School for Energy and Technology located in Bronx, New York. I have enclosed a CD where the alleged act of discrimination took place, which was on March 16, 2018 at the hearing:

The preceding conversation was centered around whether or not I was correctly assigned 9th/10th grade students the course "Economics/Participation in Government." Per state law, "Economics/Participation in Government" is traditionally given in 12th grade before graduation. The principal, at the end of the conversation, changed the topic completely by saying: "And I understand you're looking at trying to keep your license and so forth, and I believe someone pointed out very well, this was not a good fit. Okay!" Taken at face value, that quote was completely irrelevant to whether or not the students I was assigned to instruct were correctly given the appropriate class. As the administrator, the principal has discretion as to what classes I was required to teach. Saying I was not a good fit has nothing to do with those classes. Even if the principal won the argument or my advocate made a valid point, that statement suggests the actual reason I was discontinued. It would not be a good fit if I was licensed in another subject; for example, math. But as the principal said, I am licensed in Social Studies and I was able to teach those classes. So why after was this not a "good fit"? This part of the tape was the last 4:20 to 4:00 minutes.

There was a time when I was a good fit. In the summer of 2016, mid-August to be specific. The principal hired me at a jobs fair for new teachers, or recent graduates with zero teaching experience. I completed a demo lesson that she was present for. At that time, I was a good fit as I was offered a position for employment. The DOE gives complete discretion to the principals to make hires at their respective schools. She was not forced to hire me, and as someone with decades in the DOE, she would have known whether or not I would be a good fit. Not being a "good fit" does not flow with the rationale as to why I was discontinued or fired. The case they built on me was four observations and two letters to file. The reason they did that is because as the principal and another

person said, "this wasn't a good fit." By saying that she brought another person in who said it previously. It was reiterated by my colleague after a discussion about how those same rules went against my best interests as a teacher at that school. "James, did you really think this would be a good fit?" That question is once again completely irrelevant in terms of solving the issues we were discussing. And whether that statement (my class schedule) is true, false, or indifferent as it relates to my role as teacher in that school, it did result in my discontinuance or firing.

To examine what "not a good fit" means, let's look at evidence as to why this does not logically flow from the aforementioned reason for this discontinuance. As a fully certified teacher in grades 7 through 12 in Social Studies, this was a good fit. If I was teaching out of certification, it would not be a good fit as it would have been impossible to even hire me in that school or any school in the state of New York, where this situation could never have occurred at all. I was given a position of employment after an interview, where any employer can make an opinion as to whether a candidate is good enough. So here, two people have said that this "was not a good fit." It was not a good fit, according to the principal after she may or may not have provided me with classes within my certification area, however, she did provide her statement that my schedule would have been a good fit.

I believe I have been discriminated against because I am a white person from Staten Island who was offered and accepted a position at a Bronx high school with demographics of 70% Hispanic and roughly 30% African-American; thus, any connotation that might result from that situation. The principal is of African American/Haitian descent. So is the Assistant Principal. So is Greg Gibson, the other person she alluded to in her statement. Taking the principal's statement at face value, that is not a valid reason for terminating, since, per DOE rules, she discontinued me because of 4 observations and 2 letters to file. Her initial statement said that the entire premise of the hearing was to keep my license, which was why there was me, my advocate, Superintendent's Rep, DOE panel all met to discuss whether that discontinuance would remain or not. This,

based on my role within the rules, is completely erroneous. And as she pointed out, I was fired solely because this wasn't a good fit.

The problem is I am flagged in the system and will have difficulty finding employment in another district because I was potentially wrongly hired in that particular school to begin with (High School for Energy and Technology) given the principals statement in question. I do not wish to go back to that school, I do want the discontinuance removed to give myself a fair shot at finding a position in another school somewhere else. I was wrongly hired, since there was a time I was a good fit so firing me based on that statement demonstrates discrimination based on race.

The entire preceding conversation was the principal maybe not giving me the right class to a particular grade level, or appropriate timing on feedback, or a mentor that is not in my subject. Whether or not those rules, per state education or contractual law was broken, that has nothing to do with whether or not I was a "good fit" or not. I did not assign myself classes or do anything wrong that would get me fired. They broke every contractual and educational law as it pertains to my time there, so why would that not make me a good fit. They chose to break the rules, even if they didn't want to or it was just the way things worked out. So how does that not make me a good fit and why should I be punished for it?

Furthermore, it is easy to fire a non-tenured teacher as a first-year teacher. I would not be eligible for tenure until year 5. No first-year teachers have tenure, let alone me. The contractual laws in place put specific reasons on how to terminate an employee and the type of profession this is; education, is observation-based. I never missed a day of work and there is no other history I had with any other school. The principal cant just fire me immediately and the end of story. There is a long process that follows. Hence, I did nothing that would get me fired in the context of any profession, let alone this one. She stated that since I was trying to keep my license (solely in New York City) that the school I was at was not a good fit, therefore I was terminated as a result of that.

Notarization of Complaint

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

PLEASE INITIAL pm

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

James J. Mauro
Sign your full legal name

MARIA S. MAGADDINO
Notary Public, State of New York
No. 01MA6316893
Qualified in Richmond County
Commission Expires December 1, 2018

Subscribed and sworn before me

This 27th day of June, 20 18

Maria S. Magaddino
Signature of Notary Public

County: Richmond Commission expires: December 1, 2018

Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.